Re: Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Barry J. Fiala and Mark B. Hodes

Application No.: 10/041,934

Filed: Jan. 8, 2002

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For: Point-of-Sale Activation and Subsequen

Registration of Products

Group Art Unit: 2161

Examiner: Response

Docket No.: A0,031

Box Missing Parts COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

RESPONSE

AUG 1 6 2002

In response to the Notice to File Missing Parts dated February 13, 2002, enclosed herewith are:

- Fee Transmittal Form;
- Transmittal Letter;
 - Notice to File Missing Parts of Nonprovisional Application (Copy).
 - Power of Attorney
 - Statement under 37 CFR 3.73 (b) with copy of assignment attached
 - Letter to Official Draftsperson with Substitute Formal Ink Drawings (Sheets 1-14; Figures 1-76).
 - A signed Declaration (1 page) by Barry J. Fiala, one of the inventors, and unsigned by Mark B. Hodes, another of the inventors, with accompanying Supplemental Application Data Sheet (2 pages).
 - A Petition Under 37 C.F.R. § 1.47(a) to Accept Application When An Inventor Refuses to Sign
 - A signed Declaration (3 pages) by Bill M.Wade, Esq., with attached Exhibit A (10 pages), in support of said Petition.

- Request for 4 month Extension of Time (in triplicate) with Self-Addressed
 Stamped Envelope
- An Information Disclosure Statement (6 pages) with 59 references.
- Itemized Return Receipt Postcard for stamping by U.S.P.T.O. Mail Room

An assignment from one of the inventors to Riverborne Communications, LLC, is being concurrently submitted herewith for recordation.

Please charge any fees and/or additional fees or credit any overpayment concerning the filing of this response to Deposit Account No. 23-0125.

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Subject application is now in condition for examination. An early formal favorable action is requested.

Riverborne Communications, LLC

Date				
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I hereby c	ertify tha	at this	correspondence is being	F
deposited	with the	United	States Postal Service as	6
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<i>E</i>)		_		

Reg. No.: 35,401

Russell H. Walker

8/13/2002

Russell H. Walker 6363 Poplar Ave., # 434 Memphis, TN 38119-4896 Tel. No. (901) 685-7428 Registration No. 35,401 Attorney for Assignee

Kunell H. Was





Re: Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date:

August 13, 2002

TRANSMITTAL LETTER

File No.:

A0.031

n re:

Applicant(s): Barry J. Fiala and Art Unit:

2161

Assignee:

Riverborne Communications LLC

Serial No.:

10/041,934

Examiner: Response

Filed: For:

January 8, 2002

Mark B. Hodes

Point-of-Sale Activation and Subsequent Registration of

Docket No.: A0.031

Products

TO THE COMMISSIONER FOR PATENTS:

Sir:

Enclosed herewith are the documents set forth hereinbelow for processing: Notice to File Missing Parts (Part 3, 1 page); Response to Notice to File Missing Parts (2 pages); Declaration (1 page) with Supplemental Application Data Sheet (2 pages); Power of Attorney (1 page); Statement Under 37 CFR 3.73(b) (1 page, with copy of Assignment Attached (4 pages); Request for Four Month Extension of Time, in triplicate with Self-Adressed Stamped Envelope (2 pages); Formal Drawings (14 sheets, Figures 1-76); Letter to the Official Draftsperson (1 Page); Petition to Accept Application When An Inventor Refuses to Sign (2 pages); Declaration by Bill M. Wade in support of Petition (3 pages) with attached Exhibit A (10 pages): Information Disclosure Statement (6 pages with 59 references attached); Fee Transmittal Form and return Postcard.

Also enclosed is my check in the sum of \$1,597.00 for the required fee.

Please charge any additional fees or credit any overpayment concerning the filing of the enclosed documents to Deposit Account No. 23-0125.

Respectfully submitted, Riverborne Communications, LLC

Date: 8 13 200 2 By:	Rmell H. vel
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231, on	Russell H. Walker 6363 Poplar Ave., Suite 434 Memphis, TN 38119 Tel. No. (901) 685-7428 Registration No. 35,401 Attorney for Assignee



Re: Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date:

August 13, 2002

TRANSMITTAL LETTER

File No.:

A0.031

In re:

Applicants:

Barry J. Fiala and Art Unit: 2161

Mark B. Hodes

Assignee:

Riverborne Communications, LLC

Appl'n No.:

10/041,934

Examiner:

Filed:

Jan. 8, 2002

Drawings

For:

Point-of-Sale Activation and

Subsequent Registration of **Products**

Docket No.: A0,031

ATTENTION: OFFICIAL DRAFTSPERSON

TO THE COMMISSIONER FOR PATENTS:

Sir:

Enclosed herewith are the documents set forth hereinbelow for processing:

New Drawings - 14 Sheets Figs. (1-76) to be substituted as formal drawings.

Also enclosed is my check in the sum of N/A for the required fee.

Please charge any additional fees or credit any overpayment concerning the filing of the enclosed documents to Deposit Account No. 23-0125.

> Respectfully submitted, Riverborne Communications, LLC

Date:

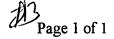
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington,

D.C., 20231, on_ 8/13/2002 H. were

Russell H. Walker Reg. No.: 35,401

Bv:

Russell H. Walker 6363 Poplar Ave., Suite 434 Memphis, TN 38119 Tel. No. (901) 685-7428 Registration No. 35,401 Attorney for Assignee





UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/041,934

01/08/2002

Barry J. Fiala

A0,031

Russell H. Walker Walker, McKenzie & Walker, P.C. Suite 434 6363 Poplar Avenue Memphis, TN 38119-4896



CONFIRMATION NO. 4908
FORMALITIES LETTER
OC000000007470219

Date Mailed: 02/13/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/19/2002 MGEBREM1 00000004 10041934

FILED UNDER 37 CFR 1.53(b)

01 FC:201 02 FC:202 03 FC:203 04 FC:205 370.00 OP 42.00 OP

Filing Date Granted

270.00 OP 65.00 OP

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
 Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$312.
 - \$270 for 30 total claims over 20.
 - \$42 for 1 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 747.

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

PTO/SB/17 (11-01) Approved for use through 10/31/2002. OMB 0651-0032

Under the Paperwork Reduction Act of 1995	on persons are required to	respond to a collection of info	ademark Office; U.S. DEPARTMENT OF COMMERCE armation unless it displays a valid OMB control number					
FEE TRANS	NAITTAL	Complete if Known						
FEE I DANS	IVIIIIAL	Application Number	10/041,934					
🐧 🍱 🖁 for FY 2	2002	Filing Date	Jan. 8, 2002					
Patent fees are subject to ar		First Named Inventor	Barry J. Fiala					
		Examiner Name						
Applicant claims small entity status. See 37 CFR 1.27		Group Art Unit	2161					
OTAL AMOUNT OF PAYMENT	(\$) 1,597.00	Attorney Docket No.	A0,031					

Extra Claims	METHOD OF PAYMENT (check all that apply)			FEE CALCULATION (continued)						
Deposit Account: Carde Entity Small Entity Fee Fee Fee Code (8)				3. ADDITIONAL FEES						
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Number Deposit Account Name	Deposit						Fee Description	Fee Paid		
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106 330 206 165 Design filing fee 107 510 207 255 Plant filing fee 118 1,960 219 160 Notice of Appeal 120 320 220 160 Filing a brief in support of an appeal 121 280 221 140 Request for an appeal 122 280 123 138 131 138 1,510 Petition to revive - unavoidable 124 280 242 Request for an appeal 122 280 243 280 Petition to revive - unavoidable 143 1,280 245 640 Utility issue fee (or reissue) 144 620 244 310 Plant issue fee 144 620 245 320 Plant issue fee 144 620			270	<u>"</u>	118	1,440	218	720	Extension for reply within fourth month	720
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108 740 208 370 Reissue filing fee					119	320	219	160	Notice of Appeal	
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104 280 204 140 Multiple dependent claim, if not paid 109 84 209 42 "Reissue independent claims over original patent 110 18 210 9 "Reissue claims in excess of 20 and over original patent SUBTOTAL (2) (\$) 312 (37 CFR § 1.129(a)) 149 740 249 370 For each additional invention to be examined (37 CFR § 1.129(b)) 179 740 279 370 Request for Continued Examination (RCE) 169 900 169 900 Request for expedited examination 18 210 9 "Reissue claims in excess of 20 and over original patent Other fee (specify) Petition under 37 CFR 1.47 (a) / \$130 (c) 915	, ,		Claims in excess of 20		581	40	581	40	Recording each patent assignment per property (times number of properties)	
Multiple dependent claim, if not paid 109 84 209 42 "Reissue independent claims over original patent 110 18 210 9 "Reissue claims in excess of 20 and over original patent SUBTOTAL (2) (\$) 312 149 740 249 370 For each additional invention to be examined (37 CFR § 1.129(b)) 179 740 279 370 Request for Continued Examination (RCE) 169 900 169 900 Request for expedited examination Other fee (specify) Petition under 37 CFR 1.47 (a) / \$130	102 84	202 42	Independent claims in excess of 3		146	740	246	370		
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(a) (b) 915	SUBTOTAL (2) (\$) 312				Other	fee (s	ecify	/		a)/ \$130
(1)	**or number	**or number previously paid, if greater; For Reissues, see above			*Red	uced by	Bas	ic Filing	I/m\ O	15

SUBMITTED BY	Complete (if applicable)						
Name (Print/Type)	Russell H. Walker	Registration No. (Attorney/Agent)	Telephone	901	901-685-7428		
Signature	Rmell H. Wal	-		Date	8	13	2002
					$\overline{}$		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.